

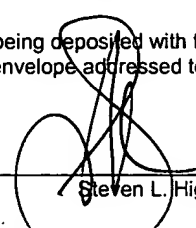


#13
5 RECEIVED
MAY 06 2003
TECH CENTER 1600/2900

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on the date below:

May 2, 2003
Date


Steven L. Highlander

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Penelope N. MARKHAM et al.

Serial No.: 09/816,761

Filed: March 23, 2001

For: BACTERICIDAL ANTIMICROBIAL
METHODS AND COMPOSITIONS FOR
USE IN TREATING GRAM POSITIVE
INFECTIONS

Group Art Unit: 1641

Examiner: S. Devi

Atty. Dkt. No.: IFLX:003US/SLH

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed December 5, 2003, finally rejecting claims 14-40, 44-60 and 78-79.

The fee for filing this Notice of Appeal is \$160 and is attached hereto.

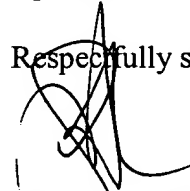
05/07/2003 JADD01 00000019 09816761
01 FC:2401 160.00 OP

Also, a request for a two-month extension of time to respond is included herewith. The extension fee is included in the attached check with the Notice of Appeal fee. This two-month extension will bring the due date to May 5, 2003. Should such request or fee be deficient or absent, consider this paragraph such a request and authorization to withdraw the appropriate fee.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed material, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski L.L.P. Account No.: 50-1212/IFLX:003US/SLH.

Please date stamp and return the enclosed postcard to evidence receipt of this document.

Respectfully submitted,



Steven L. Highlander
Reg. No. 37,642
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 536-3184

Date: May 2, 2003